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## **5.0 CLEAN WATER STATE REVOLVING FUND PROGRAM**

The Clean Water State Revolving Fund (SRF) Program was established to provide low interest loans to governmental entities for clean water and nonpoint source pollution control projects. The funds available are dependent upon appropriations from the U.S. Congress and repayments from funds previously loaned.

### **5.1 Eligibility Requirements**

Applicants must be a governmental entity with the authority to generate revenues and to repay general obligation, revenue obligation or sales tax obligation bonds. **Project must be on the State Water Plan prior to receiving funding approval.**

### **5.2 Application Deadlines**

Applications must be postmarked or received on or before the **fifteenth** day of January, April, July, or October. Only complete applications will be considered. Applications determined incomplete by the deadlines outlined below will need to be resubmitted for a subsequent funding round.

### **5.3 Application Requirements**

The following items are required to be submitted with the completed application form:

- 1) The application form to include the Certification of Needs Categories; EPA Preaward Compliance Review Report; and Certification Regarding Debarment, Suspension, and Other Responsibility Matters;
- 2) Most recent audit or financial statements to include specific accounting of the fund pledged for repayment of the loan;
- 3) Amortization schedules for debt pledged to same source as this loan
- 4) Current year's budget;
- 5) User charge ordinance or resolution and its effective date;
- 6) Any legal opinions concerning the project;
- 7) Authorized signatory resolution for submittal of application and signing of payment requests;
- 8) A facilities plan; and

- 9) Cultural Resources Effects Assessment Summary for SRF Projects form with supporting documentation, including archaeological surveys if required.

### **5.3.1 Complete Application Criteria**

Within 15 days after the application deadline, the applicant will be notified if the application is complete or incomplete. If incomplete, the applicant has 20 days to submit the information needed to complete the application. Additional time to complete a facilities plan is allowed.

If the facilities plan submitted with the application is determined to be incomplete or insufficient, a complete facilities plan must be postmarked or delivered by March 1st for applications due on January 15th, by June 1st for applications due on April 15th, by September 1st for applications due on July 15th, and by December 1st for applications due on October 15th. The facilities plan is not considered complete until all of the following items are received:

- 1) Information addressing deficiencies identified in the completeness letter;
- 2) Receipt of evidence of advertisement of a public hearing;
- 3) Minutes from the public hearing;
- 4) Comments from the U.S. Fish and Wildlife Service; South Dakota Department of Game, Fish and Parks; Natural Resources Conservation Service; U.S. Army Corps of Engineers; and the State Historical Preservation Office; and
- 5) Resolution of any issues identified during the public hearing or comments from the agencies listed above.

### **5.3.2 Facilities Planning Process**

**A facilities plan must be prepared and submitted as part of the Clean Water SRF application.** The facilities plan describes the need for the project based on present conditions and future needs, evaluates the costs and adequacies of alternatives, identifies potential environmental impacts; and provides justification for the selected alternative. Section 5.12.1 provides the minimum requirements for a facilities plan.

The facilities plan is the basis for preparing the required environmental review. The public and several review agencies are involved in the preparation of the environmental review. Because the process is time-consuming, it is important to initiate the process prior to submitting the application.

The agencies identified in section 5.12.2 must be given the opportunity to review and comment on the project.

Solicitations for comments regarding cultural resources effects must now be submitted to the Department of Environment and Natural Resources where a determination will be made as to the effect the project may have on cultural resources. This determination of effect will be forwarded to the State Historical Preservation Office, which will then have 30 days to provide comments. This change in procedure was necessitated by recent policy changes within the State Historical Preservation Office.

To assure timely completion of the reviews, adequate information must be submitted for a determination of effect to be made. The Cultural Resources Effects Assessment Summary in Section 5.12.3 may be used for this purpose.

The facilities planning process requires a **public hearing**. A “Notice of Public Hearing” should be published at least 10 days prior to the hearing. The notice shall include a description of the project, the amount of SRF funds to be borrowed, and the interest rate and term of the loan. Section 5.11 contains an example of a Public Hearing Notice. Minutes must be kept at the public hearing and should include a summary of all comments received. A copy of the affidavit of publication and meeting minutes must be submitted as part of the final Facilities Plan.

After a complete facility plan is received, the department will issue an environmental review to the applicant to publish in a local newspaper. **The Board of Water and Natural Resources will consider a loan application only after publication of the environmental review.**

### **5.3.3 Bond Counsel**

**Bond counsel must be retained prior to the application being submitted to the department.** Bond counsel prepares the loan documents as well as the necessary resolutions and ordinances including the resolution for the board to approve the loan. An opinion shall be issued by bond counsel on the applicant's ability to issue the Clean Water SRF debt.

## **5.4 Interest Rates and Terms**

The rates and terms established by the board are available on the DENR website.

## **5.5 Award Dates**

The department will notify applicants of the date of the board meeting at which applications will be considered. Board meeting dates are public noticed and available on the DENR website.

## **5.6 Award Criteria**

Clean Water SRF applications are reviewed based on the following criteria:

- 1) The availability of funds in the Clean Water SRF program;
- 2) The applicant's need;
- 3) Violation of health and safety standards; and
- 4) The applicant's ability to repay.

## **5.7 Rules and Regulations**

Rules and regulations concerning the Clean Water State Revolving Fund Program may be found in the Administrative Rules of South Dakota 74:05:08 and the federal Clean Water Act. For copies of these rules or the Act, you may contact:

PMB 2020  
Department of Environment and Natural Resources  
Division of Financial and Technical Assistance  
523 East Capitol  
Pierre, South Dakota 57501-3182  
(605) 773-4216  
(605) 773-4068 fax

or:

email: [DENRINTERNET@state.sd.us](mailto:DENRINTERNET@state.sd.us)

website: <http://www.state.sd.us/denr>

**5.8 CLEAN WATER STATE REVOLVING FUND  
APPLICATION FORM**





# Clean Water State Revolving Fund Application Form

Applicant	<b>Proposed Funding Package</b> Clean Water SRF Loan                      \$ _____ Consolidated Grant                         \$ _____ Local Cash                                     \$ _____ Other _____                             \$ _____ Other _____                             \$ _____ Other _____                             \$ _____
Federal Employer ID No.	
Subapplicant	<b>TOTAL</b> \$ _____

Project Title:

Description:

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The Applicant Certifies That:

I declare and affirm under the penalties of perjury that this application has been examined by me and, to the best of my knowledge and belief, is in all things true and correct.

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Name & Title of Authorized Signatory (Typed)

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Signature

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Date

## **Professional Consultants:**

**Bond Counsel's Firm:** \_\_\_\_\_

Bond Counsel: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, and Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

Email address: \_\_\_\_\_

**Application Prepared By:** \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, and Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

Email address: \_\_\_\_\_

**Consulting Engineering Firm:** \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, and Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

Email address: \_\_\_\_\_

**Legal Counsel's Firm:** \_\_\_\_\_

Legal Counsel: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, and Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

Email address: \_\_\_\_\_

## BUDGET SHEET

Cost Classification	A Clean Water SRF Loan	B	C	D	E	Total Funds
1. Administrative Expenses						
A. Personal Services						
B. Travel						
C. Legal including Bond Counsel						
D. Other						
2. Land, Structure, Right-of-Way						
3. Engineering						
A. Bidding and Design Fees						
B. Project Inspection Fees						
C. Other						
4. Construction and Project Improvement						
5. Equipment						
6. Contractual Services						
7. Other						
8. Other						
9. Subtotal (Lines 1-8)						
10. Contingencies						
11. Total (Lines 9 and 10)						
12. Total %						

Columns A - E: Identify each funding source and enter the amounts budgeted by cost category.

## Method of Financing

	Secured Funds	Unsecured Funds (Date Anticipated)
Clean Water SRF Loan		
Consolidated Grant		
Local Cash (Identify Source)		
Other (Explain)		
Other (Explain)		
Other (Explain)		
<b>TOTAL</b>		

## Funds to be Borrowed

	Amount	Rate	Term	Annual debt service <i>(based on quarterly payments)</i>	Security pledged toward repayment
Clean Water SRF Loan					
Other (Explain)					
Other (Explain)					
Other (Explain)					

### 5.8.1 Repayment Information

Interest rate and term you are applying for: \_\_\_\_\_%, \_\_\_\_\_years.

What security is being pledged toward the repayment of this loan?

- \_\_\_\_\_ 1. General Obligation bond (requires bond election)
- \_\_\_\_\_ 2. Wastewater Revenue bond
- \_\_\_\_\_ 3. Storm Sewer Revenue bond
- \_\_\_\_\_ 4. Project Surcharge Revenue bond
- \_\_\_\_\_ 5. Sales Tax Revenue bond

### 5.8.2 Documents To Be Submitted With Application

Financial Documents

1. Most recent audit or unaudited financial statement to include specific accounting of fund pledged for repayment.
2. Current year's budget.

Planning and Legal Documents

1. Governing user charge ordinance or resolution and its effective date.
2. Any legal opinions concerning the project.
3. Resolution of authorized signatory for submittal of Clean Water SRF application and signing of payment requests. This resolution should also include the loan amount requested, interest rate and term being applied for, description of proposed project, and security pledged towards repayment of the loan.

Facilities Plan (See Section 5.12 for a detailed outline.)

### 5.8.3 General Information

The month and day your fiscal year begins: \_\_\_\_\_

Population Served

Current \_\_\_\_\_ 2000 \_\_\_\_\_ 1990 \_\_\_\_\_

Top Five Employers  
Within 30 Miles

Number of  
Employees

Type of Business

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please indicate employers within boundary of issuing entity with an asterisk (\*).

#### 5.8.4 Wastewater Utility Information

**Attach current and proposed rate ordinances or resolutions and rate schedules.**

Current Utility Debt

Year Issued	_____	_____	_____	_____	_____	_____	_____
Purpose	_____	_____	_____	_____	_____	_____	_____
Security Pledged	_____	_____	_____	_____	_____	_____	_____
Amount	_____	_____	_____	_____	_____	_____	_____
Maturity Date (mo/yr)	_____	_____	_____	_____	_____	_____	_____
Debt Holder	_____	_____	_____	_____	_____	_____	_____
Debt/Coverage Requirement	_____	_____	_____	_____	_____	_____	_____
Avg. Annual Required Payment	_____	_____	_____	_____	_____	_____	_____
Outstanding Balance	_____	_____	_____	_____	_____	_____	_____

Use additional sheets if more room is required to list all current utility debt.

## Wastewater Utility Cash Flow

Fiscal Year	Prior Year	Prior Year	Current Year	Future Year <sup>#</sup>
<b>OPERATING CASH FLOW</b>				
Wastewater Fee				
Surcharge Fee				
Other (Explain) _____				
_____				
<b>OPERATING PAYMENTS</b>				
Personal Services				
Chemical, Material & Supplies				
Electric & Other Utilities				
Other (Explain) _____				
_____				
<b>NET CASH FROM OPERATIONS</b>				
<b>NONOPERATING CASH FLOW</b>				
Transfers In (Explain) _____				
_____				
Transfers Out (Explain) _____				
_____				
Fixed Asset Purchases (Explain) _____				
_____				
Fixed Asset Sale (Explain) _____				
_____				
Debt Payment (Principal Only)				
Debt Payment (Interest Only)				
Interest Income				
Other Revenue (Explain) _____				
_____				
Other Expenses (Explain) _____				
_____				
<b>NET CASH FROM NONOPERATING</b>				
<b>Net Increase (Decrease) in Cash</b>				
Beginning Cash Balance				
Ending Cash Balance				
<b>RESTRICTED BALANCE</b>				
<b>UNRESTRICTED BALANCE</b>				

<sup>#</sup> Future Year: First full year after project completion.

Restricted Funds Breakdown:

<u>Amount</u>	<u>Anticipated Expense</u>	<u>Method Used to Encumber</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Wastewater Fees:

Municipal or Sanitary District - monthly rates at 5,000 gallons (670 cubic feet)

Others Systems - monthly rates at 7,000 gallons (935 cubic feet)

Check one: ☐ Incorporated Municipality or Sanitary District

**or**

☐ Other System

Monthly:	<u>Current Rate</u>	<u>Proposed Rate</u>	<u># of Accounts</u>	<u>Average use gallons/cubic feet</u>
Domestic	_____	_____	_____	_____
Business	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____

Are fees based on usage or flat rate? \_\_\_\_\_

When is proposed fee scheduled to take effect? \_\_\_\_\_

When did the current fee take effect? \_\_\_\_\_

What was the fee prior to the current rate? \_\_\_\_\_

Five Largest Customers	Type of Business	% of System Revenues
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



For Storm Sewer Projects:

Does sponsor have a separate storm water fee? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, attach the current and proposed rate ordinances or resolutions and rate schedules. Identify below the rate charged and explain how fee is calculated.

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### 5.8.5 Property Tax Information

(Complete only if General Obligation bond is pledged to repay your loan.)

Three year assessed and full & true valuation trend:

Year

Assessed Valuation

Full & True Valuation

_____	_____	_____
_____	_____	_____
_____	_____	_____

Three year levies and collection trend:

Year

Amount Levied

Collected

Penalties/Interest

Late Payments

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Five Largest Taxpayers:

Taxpayer	Description	Assessed Valuation
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

List all current debt secured by general obligation bond:

Year Issued	_____	_____	_____	_____	_____
Purpose	_____	_____	_____	_____	_____
Amount	_____	_____	_____	_____	_____
Maturity Date (mo/yr)	_____	_____	_____	_____	_____
Debt Holder	_____	_____	_____	_____	_____
Debt/Coverage Requirement	_____	_____	_____	_____	_____
Avg. Annual Required Payment	_____	_____	_____	_____	_____
Outstanding Balance	_____	_____	_____	_____	_____

Use additional sheets if more room is required to list all current utility debt.

### 5.8.6 Sales Tax Information

**(Complete only if sales tax is pledged to repay your loan.)**

Sales Tax Collections Schedule

Sales tax revenue history for the last fifteen months:

<u>Month/Year</u>	<u>Amount Collected</u>

List all current debt secured by sales tax:

Year Issued	_____	_____	_____	_____	_____
Purpose	_____	_____	_____	_____	_____
Amount	_____	_____	_____	_____	_____
Maturity Date (mo/yr)	_____	_____	_____	_____	_____
Debt Holder	_____	_____	_____	_____	_____
Debt/Coverage Requirement	_____	_____	_____	_____	_____
Avg. Annual Required Payment	_____	_____	_____	_____	_____
Outstanding Balance	_____	_____	_____	_____	_____

Use additional sheets if more room is required to list all current utility debt.

### 5.8.7 Facilities Plan Checklist

Before submitting the application, please take a few moments to complete the following checklist. Addressing these items prior to submitting the application will help expedite the review process.

#### CHECKLIST OF SRF FACILITIES PLAN REQUIREMENTS

Have the following items been addressed?

- ◆ Submittal of a draft Facilities Plan to the department that addresses those items found in section 5.12.1. \_\_\_\_\_
- ◆ A public hearing held discussing the project and the use of an SRF loan to finance the project. \_\_\_\_\_
- ◆ Minutes of the public hearing prepared and submitted to the engineer for inclusion into the final Facilities Plan. \_\_\_\_\_
- ◆ The affidavit of publication of the public hearing received and submitted to the engineer for inclusion into the final Facilities Plan. (See section 5.11.) \_\_\_\_\_
- ◆ The five review agencies contacted and responses received for inclusion into the final Facilities Plan. (See section 5.12.2.) \_\_\_\_\_



### 5.8.8 Certification of Point Source Needs Categories

Identify the loan amount associated with the needs categories described below. If the loan addresses needs in more than one category, please break down the total amount into estimated amounts for each category.

Category	Definition	Proposed Loan Amount
I	<u>Secondary Treatment and Best Practicable Wastewater Treatment Technology.</u> Costs for facilities to achieve secondary levels of treatment, regardless of the actual treatment levels required at the facility site. Incremental costs for treatment levels above secondary are to be reported in Category II. For purposes of the Survey, "best practicable wastewater treatment technology" and secondary treatment are considered synonymous. Identified alternative conveyance systems (e.g., small diameter gravity, pressure and vacuum sewers) are to be included in Category I.	
II	<u>Advanced Treatment.</u> Incremental costs above secondary treatment for facilities which require advanced levels of treatment. This requirement generally exists where water quality standards require removal of such pollutants as phosphorus, ammonia, nitrates, or organic and other substances. In addition, this requirement exists where removal requirements for conventional pollutants exceed 85 percent.	
III A	<u>Infiltration/Inflow Correction.</u> Costs for correction of sewer system infiltration/inflow (I/I) problems. Costs should also be reported for the preparation of preliminary I/I analysis or for a detailed sewer system evaluation survey.	
III B	<u>Major Sewer System Rehabilitation.</u> Replacement and/or major rehabilitation of existing sewer systems. Costs are reported if the corrective actions are necessary to the total integrity of the system. Major rehabilitation is considered to be extensive repair of existing sewer beyond the scope of normal maintenance programs (i.e., where sewers are collapsing or structurally unsound).	

IV A	<u>New Collectors and Appurtenances.</u> Costs of construction of new collector sewer systems and appurtenances designed to correct violations caused by raw discharges or seepage to waters from septic tanks, or to comply with Federal, State or local actions.	
IV B	<u>New Interceptors and Appurtenances.</u> Costs for new interceptor sewers and pumping stations necessary for the bulk transmission of clean water.	
V	<u>Correction of Combined Sewer Overflows.</u> Costs for facilities, including conveyance, storage, and treatment, necessary to prevent and/or control periodic bypassing of untreated wastes from combined sewers to achieve water quality objectives and which are eligible for Federal funding. It does not include treatment and/or control of storm waters in separate storm and drainage systems.	
VI	<u>New Construction or Rehabilitation of Storm Sewer Systems and Appurtenances.</u> Cost of new construction or rehabilitation associated with the bulk transmission or detention of storm sewer flows. This category includes only runoff projects in communities with Phase I or Phase II storm water permits.	
	TOTAL	

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Authorized Representative

\_\_\_\_\_  
Date



### 5.8.9 Certification of Nonpoint Source Needs Categories

Identify the loan amount associated with the needs categories described below. If the loan addresses needs in more than one category, please break down the total amount into estimated amounts for each category.

Category	Definition	Loan Amount
VII-A	<u>NPS pollution - agricultural activities.</u> Plowing, pesticide spraying, irrigation, fertilizing, planting, and harvesting. Example BMPs include conservation tillage, nutrient management, and irrigation water management.	
VII-B	<u>NPS pollution - animal production.</u> Confined animal facilities and grazing. Example BMPs include animal waste storage, animal waste nutrient management, composting, and planned grazing.	
VII-C	<u>NPS pollution - forestry.</u> Removal of streamside vegetation, road construction and use, timber harvesting, and mechanical preparation for the planting of trees. Example BMPs include preharvest planning, streamside buffers, road management, and revegetation of disturbed areas.	
VII-D	<u>NPS pollution - new or existing development in urban or rural setting.</u> Erosion, sedimentation, and discharge of pollutants (e.g., inadequately treated wastewater, oil grease, road salts, and toxic chemicals) into water resources from construction sites, roads, bridges, parking lots, and buildings. Example BMPs include wet ponds, construction site erosion and sedimentation controls, sand filters, and detention basin retrofit. This category includes only runoff projects in communities without phase I or phase II storm water permits.	
VII-E	<u>NPS pollution - ground water protection.</u> Wellhead and recharge protection areas. Activities attributed to specific causes are included in a later, more specific category.	
VII-F	<u>NPS pollution - boating and marinas.</u> Poorly flushed waterways, boat maintenance activities, discharge of sewage from boats, and physical alteration of shoreline, wetlands, and aquatic habitat during operation or construction of a marina. Example BMPs include pumpout systems and oil containment booms.	


VII-G	<u>NPS pollution - mining and quarrying activities.</u> Example BMPs: detention berms and seeding or revegetation.	
VII-H	<u>NPS pollution - abandoned, idle, and underused industrial sites.</u> All pollution control activities at these sites regardless of activity. Example BMPs include ground water monitoring wells, in situ treatment of contaminated soils and ground water, capping to prevent storm water infiltration, and storage tank activities at brownfields.	
VII-I	<u>NPS pollution - tanks designed to hold chemicals, gasoline, or petroleum products.</u> Tanks may be located either above or below ground. Example BMPs include spill containment, in situ treatment of contaminated soils and ground water, and upgrade, rehabilitation, or removal of petroleum/chemical storage tanks.	
VII-J	<u>NPS pollution - sanitary landfills.</u> Example BMPs include leachate collection or on-site treatment, gas collection and control, and capping and closure.	
VII-K	<u>NPS pollution - channel modification, dams, streambank and shoreline erosion, and wetland or riparian area protection or restoration.</u> Example BMPs include conservation easements, swales or filter strips, shore erosion control, wetland development and restoration, and bank and channel stabilization.	
VII-L	<u>NPS pollution - rehabilitation or replacement of individual or community sewerage disposal system.</u> Construction of collector sewers to transport wastes to a cluster septic tank or other decentralized facilities. Collection sewers and expansion of existing or construction of new centralized treatment facilities that replace individual or community sewerage disposal system are included on Point Source Category table.	
	TOTAL	

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Authorized Representative

\_\_\_\_\_  
Date

## 5.8.10 Preaward Compliance Review

 <div style="display: inline-block; vertical-align: middle; margin-left: 10px;"> <b>EPA</b>  <b>United States Environmental Protection Agency</b>          Washington, DC 20460  <b>Preaward Compliance Review Report For All Applicants Requesting Federal Financial Assistance</b> </div>		Form Approved OMB No. 2090-0014 Expires 4-30-99	
Note: Read instructions on reverse side before completing form.			
I. A. Applicant (Name, City, State)		B. Recipient (Name, City, State)	
C. EPA Project No.			
II. Brief description of proposed project, program or activity.			
III. Are any civil rights lawsuits or complaints pending against applicant and/or recipient? If "yes", list those complaints and the disposition of each complaint. <div style="text-align: right;"> <input type="checkbox"/> Yes   <input type="checkbox"/> No         </div>			
IV. Have any civil rights compliance reviews of the applicant and/or recipient been conducted by any Federal agency during the two years prior to this application for activities which would receive EPA assistance? If "Yes," list those compliance reviews and status of each review. <div style="text-align: right;"> <input type="checkbox"/> Yes   <input type="checkbox"/> No         </div>			
V. Is any other Federal financial assistance being applied for or is any other Federal financial assistance being applied to any portion of this project, program or activity? If "Yes," list the other Federal Agency(s), describe the associated work, and the dollar amount of the assistance. <div style="text-align: right;"> <input type="checkbox"/> Yes   <input type="checkbox"/> No         </div>			
VI. If entire community under the applicant's jurisdiction is not served under the existing facilities/services, or will not be served under the proposed plan, give reasons why.			
VII. Population Characteristics		Number of People	
1. A. Population of entire service area			
B. Minority population of entire service area			
2. A. Population currently being served			
B. Minority population currently being served			
3. A. Population to be served by project			
B. Minority population to be served by project			
4. A. Population to remain without service			
B. Minority population to remain without service			
VIII. Will all new facilities or alterations to existing facilities financed by these funds be designed and constructed to be readily accessible to and usable by handicapped persons? If "No," explain how a regulatory exception (40CFR 7.70) applies. <div style="text-align: right;"> <input type="checkbox"/> Yes   <input type="checkbox"/> No         </div>			
IX. Give the schedule for future projects, programs or activities (or of future plans), by which service will be provided to all beneficiaries within applicant's jurisdiction. If there is no schedule, explain why.			
X. I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.			
A. Signature of Authorized Official		B. Title of Authorized Official	
		C. Date	
For the U.S. Environmental Protection Agency			
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved		Authorized EPA Official	
		Date	

**EPA Form 4700-4 (Rev. 1/90) Previous editions are obsolete**



### **5.8.11 Certification Regarding Debarment, Suspension, and Other Responsibility Matters**

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (d) Have not within a three year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 U.S.C. §1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

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Name & Title of Authorized Representative

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Signature of Authorized Representative

Date

\_\_\_\_ I am unable to certify to the above statements. Attached is my explanation.



## **5.9 Application Instructions**

### **5.9.1 Application Form**

*Applicant.* Name and mailing address of the entity sponsoring the project.

*Federal Employer Identification No.* Federal employer identification number of the entity sponsoring the project.

*Subapplicant.* Organization on whose behalf the application is being submitted.

*Proposed Funding Package.* Include the amount and type of funds requested, the amount of local funds being provided, including direct public or private contributions, loans, federal funds, and water development district grants. Enter the total amount on the last line. Enter only the costs associated with activities for which assistance is being requested for multi-year or phased projects.

*Project Title/Description.* Provide a one line title for the project and a brief narrative describing the project. Be specific, providing the feet or miles of pipe, treatment process being utilized, size of lagoons, capacity of wastewater treatment works, and so forth.

*Applicant Certification.* An official of the sponsoring entity who has been authorized by resolution of the governing body to submit the application must read and sign the application.

#### Professional Consultants

*Bond Counsel's Firm:* Identify the bond counsel firm retained by the sponsor, the attorney's name, and the other contact information requested in case questions arise about the application.

*Application Prepared By:* Identify the entity, the individual that helped prepare the application, and the other contact information requested in case questions arise about the application.

*Consulting Engineering Firm:* Identify the engineering firm retained by the sponsor, the engineer's name, and the other contact information requested in case questions arise about the application.

*Legal Counsel's Firm:* Identify the law firm retained by the sponsor, the attorney's name, and the other contact information requested in case questions arise about the application.

### **5.9.2 Budget Sheets**

*Note:* Multi-year projects should enter only budget costs associated with activities for which financial assistance is being requested.

Line 1.A - Amount needed for personal services related to loan management and clerical duties.

Line 1.B - Amount needed for travel including vehicle rental.

Line 1.C - All legal fees associated with this project including bond counsel fees.

Line 1.D - Amount needed for other administrative expenses, including an independent financial audit, publishing, meetings, and any other expenses expected for project administration, including planning district contracts.

Line 2 - Amounts directly associated with the acquisition of land, existing structures, and related rights-of-way.

Line 3.A - Fees for engineering bidding and design services.

Line 3.B - Fees for engineering construction inspection and audit of construction and related programs.

Line 3.C - Amounts for other technical services, such as surveys, O&M manual preparation, tests, and borings not included in Line 3.A or 3.B.

Line 4 - Amounts for the actual construction of, addition to, or restoration of a facility. Also include in this category the amounts of project improvements, such as roads, access restrictions, new trenches, landscaping, and run-off control measures.

Line 5 - Amount needed for purchase or rental of equipment required for the project.

Line 6 - Amount of contracts (excluding legal, engineering, and construction) associated with the project, including sampling and laboratory services.

Lines 7 & 8 - Identify amounts for items not specifically mentioned above.

Line 9 - Sum of Lines 1 through 8.

Line 10 - Estimated amount for contingencies. Contingencies may not exceed 10% of the amount on Line 9.

Line 11 - Sum of Lines 9 and 10.

Line 12 - Percentage that column total is of total project costs.

### **5.9.3 Method of Financing**

Indicate the source of the secured/unsecured share of funding. If funds have been secured, indicate the amount in the "secured" column. If funds are unsecured at time of application, indicate the amount of the unsecured funds and the date funds are anticipated to be secured in the "unsecured" column. Include any remarks regarding funding in a separate narrative. Total the secured and unsecured amounts at the bottom of the table.



#### **5.9.4 Funds to be Borrowed**

Provide the amount, rate, and term of the funds to be borrowed to help finance the project. Include the amount of the annual debt service (based upon quarterly payments) and security pledged towards loan repayment. For "Other", please explain the source of funds along with the above mentioned items.

#### **5.9.5 Repayment Information**

Identify the specific rate and term of the loan for which the sponsor is applying. Specify the security pledged to repay the loan.

#### **5.9.6 Documents To Be Submitted With Application**

**Applications will not be reviewed by department staff until all documents listed in this section are submitted.**

##### Financial Documents

Provide a copy of the financial audit report for the most recent fiscal year. This report should include all operations of the entity (jurisdiction). If certain funds are reported in separate documents, include all reports concerning fiscal operations of the entity. If different funds are accounted for by different fiscal years, make this notation. **If audit for the most recent year is not available, list reason.**

Provide a copy of the current year's budget and next year's, if approved by the governing board.

##### Planning and Legal Documents

Provide a copy of the existing or proposed user charge ordinance or resolution currently governing the utility department.

Provide a resolution of authorized signatory for the person or persons signing the loan agreement and payment requests.

Provide the Facilities Plan outlined in section 5.12.

#### **5.9.7 General Information**

Provide the month and day the sponsor's fiscal year begins.

Fill in population data. Estimate current year if necessary.

List the top five employers in a 30 mile radius of your service area. Also list the number of employees at the facility and the type of business.

### 5.9.8 Wastewater Utility Information

The following information will be used to evaluate the applicant's capacity to provide local funds for the project.

Attach the current and proposed rate ordinances or resolutions and rate schedules.

Current Utility Debt - Provide the information requested in the table for each obligation pledged towards repayment. If the applicant intends to issue General Obligation or Sales Tax bonds, debt secured by the applicant's general obligations or Sales Tax revenues needs to be entered. If the applicant intends to issue Wastewater Revenue, Storm Sewer Revenue, or Project Surcharge Revenue bonds, only debt related to that utility needs to be entered. Include all required debt information requested in the table to assure an appropriate review of the applicant's finances. Include amortization schedules for debt pledged to the same source as this loan.

Complete the Wastewater Utility Cash Flow table. Obtain prior year information from previous system audits. The Current Year column should contain information from the system's current year utility budget. The Future Year column should contain anticipated cash flow information for the utility's first full fiscal year of operation after project completion.

Provide a balance for each restricted account or activity, identify the activity to be completed with the funding, and specify the method used to restrict the funds (*i.e.*, governing board resolution, board motion, by-laws, etc.).

Check whether the sponsor is an incorporated municipality, sanitary district or other system. Municipalities and Sanitary Districts provide rate information based on 5,000 gallons (670 cubic feet) per month. All Other Systems provide rates based on 7,000 gallons (935 cubic feet) per month.

Fill in the current monthly rate being charged to businesses and domestic users to include individual households and farmsteads. If fees are billed quarterly, calculate the monthly rate. Include the proposed new monthly rate. Complete the information for the total number of business and domestic hookups which will be served systemwide. Provide the current average monthly usage by business, domestic, and other customers and specify either gallons or cubic feet. If there is a special rate being charged for users other than business and domestic hookups, provide information about that rate, the number of customers for which the rate applies, and the user's average usage.

Indicate whether fees are calculated on the amount used or on a flat rate.

Furnish dates for when the current rate was adopted, when the proposed fee schedule will take effect, and what the rate was prior to the current rate.

List the system's five largest customers, the type of business, and the percent this account represents when compared to total system revenues.

For Storm Sewer Projects Only: Indicate if the applicant has a storm sewer fee. If yes, provide a copy of the storm water fee rate ordinance or resolution and explain how the fee is calculated.

### **5.9.9 Property Tax Information**

Fill out this section only if a general obligation bond is being pledged towards repayment of the loan. The property tax information will be used to evaluate the applicant's ability to repay the loan. The purpose of this section is to evaluate a borrower's tax base and customers in order to assess the condition of the community.

Provide the assessed valuation and full and true valuation for the current and last two years.

Provide the amount levied and collected for the most recent three years for which data is available. Indicate any penalties, interest charged, or late payments.

List the five largest taxpayers within the system's service area and describe the type of property involved and the assessed valuation.

Provide the information requested in the table for each obligation to which the general fund has been pledged towards repayment.

### **5.9.10 Sales Tax Information**

Fill out this section only if sales tax is being pledged towards repayment of the loan. The sales tax information will be used to evaluate the applicant's ability to repay the loan.

Provide the amount of sales tax collections by month for each of the last fifteen months.

Provide the information requested in the table for each obligation to which sales tax has been pledged towards repayment.

### **5.9.11 Facilities Plan Checklist**

The Facilities Plan Checklist is provided for your convenience. Review the checklist to make sure the required steps have been taken to ensure an adequate Facilities Plan has been prepared.

### **5.9.12 Certification of Point Source Needs Categories**

Form is self-explanatory.

### **5.9.13 Certification of Nonpoint Source Needs Categories**

Form is self-explanatory.

### **5.9.14 EPA Form 4700-4 General Instructions**

Recipients of federal financial assistance from the U.S. Environmental Protection Agency must comply with the following statutes.

Title IV of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The Act goes on to explain that the title shall not be construed to authorize action with respect to any employment practice of any employer, employment agency, or labor organization (except where the primary objective of the federal financial assistance is to provide employment).

Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act provides that no person in the United States shall, on the grounds of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Federal Water Pollution Control Act, as amended. Employment discrimination on the basis of sex is prohibited in all such programs or activities.

Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified handicapped individual shall solely by reason of handicap be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Employment discrimination on the basis of handicap is prohibited in all such programs or activities.

The Age Discrimination Act of 1975 provides that no person on the basis of age shall be excluded from participation under any program or activity receiving federal financial assistance. Employment discrimination is not covered. Age discrimination in employment is prohibited by the Age Discrimination in Employment Act administered by the Equal Employment Opportunity Commission.

Title IX of the Education Amendments of 1972 provides that no person on the basis of sex shall be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. Employment discrimination on the basis of sex is prohibited in all such education programs or activities. Note: an education program or activity is not limited to only those conducted by a formal institution.

The information on this form is required to enable the U.S. Environmental Protection Agency to determine whether applicants and prospective recipients

are developing projects, programs, and activities on a nondiscriminatory basis as required by the above statutes.

Submit this form with the original and required copies of applications, requests for extensions, requests for increase of funds, etc. Updates of information are all that are required after the initial application submission.

If an item is not relevant to the project for which assistance is requested, write "NA" for "Not Applicable."

In the event an applicant is uncertain about how to answer certain questions, EPA program officials should be contacted for clarification.

- IA. "Applicant" means any entity that files an application or unsolicited proposal or otherwise requests EPA assistance.
- IB. "Recipient" means any entity, other than the applicant, which will actually receive EPA assistance.
- IC. Self-explanatory.
- II. Self-explanatory.
- III. "Civil rights lawsuits" means any lawsuit or complaint alleging discrimination on the basis of race, color, national origin, sex, age, or handicap pending against the applicant and/or entity which actually benefits from the grant. For example, if a city is the named applicant but the grant will actually benefit the Department of Sewage, civil rights lawsuits involving both the city and the Department of Sewage should be listed.
- IV. "Civil rights compliance review" means any review assessing the applicant's and/or recipient's compliance with laws prohibiting discrimination on the basis of race, color, national origin, sex, age, or handicap. If any part of the review covered the entity which will actually benefit from the grant, it should be listed.
- V. Self-explanatory.
- VI. The word "community" refers to the area under the applicant's and/or recipient's jurisdiction. The "community" might be a university or laboratory campus, or a community within a large city. If there is a significant disparity between minority and nonminority populations to receive service, not otherwise satisfactorily explained, the regional office may require a map which indicates the minority and non-minority population served by this project, program or activity.
- VII. This information is required so that reviewers may determine if a disparity in the proposed provision of services will exist in the event the application is approved for funding. Give population of recipient's jurisdiction, broken out by categories as specified.

In the event the applicant cannot provide the requested information because the funds will be distributed over a wide demographic area which is yet to be determined, an explanation may be provided on a separate sheet. For example, a State applying for a capitalization grant under the State Revolving Fund program may not know which cities and counties will apply for, and receive, SRF loans.

VIII. Self-explanatory.

IX. "Jurisdiction" means the geographical area over which an applicant has the authority to provide service.

X. Self-explanatory.

"Burden Disclosure Statement" - EPA estimates public reporting burden for the preparation of this form to average 30 minutes per response. This estimate includes the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the form. Send comments regarding the burden estimate, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, S.W. Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

### **5.9.15 Certification Regarding Debarment, Suspension, and Other Responsibility Matters**

Under Executive Order 12549, an individual or organization debarred or excluded from participation in federal assistance or benefit programs may not receive any assistance award under a federal program, or a sub-agreement thereunder for \$25,000 or more.

Accordingly, each prospective recipient of an EPA grant, loan, or cooperative agreement and any contract or sub-agreement participant thereunder must certify to or provide an explanation why they cannot. For further details, see 40 CFR §32.510, Participants' responsibilities.

## **5.10 NOTICE OF PUBLIC HEARING**

## **Public Participation Requirements for SRF Programs**

The facilities planning process requires public participation. The applicant must hold a public hearing to discuss the project, the proposed financing and subsequent effects on system users. A “Notice of Public Hearing” must be published in an appropriate legal newspaper at least 10 days prior to the hearing. A copy of the affidavit of publication must be submitted as part of the final Facilities Plan. Other notification methods may be used with prior approval by the department. A sample Notice can be found below.

At minimum, the following items shall be addressed at the public hearing:

- The need for the project;
- All alternatives that were evaluated, including the cost of each;
- A description of the project;
- The proposed financing for the project;
- The amount of SRF loan expected to be borrowed;
- The revenue source pledged for repayment;
- The interest rate and term of the loan; and
- The effect of the proposed financing on user rates.

Minutes must be kept at the public hearing and should include a summary of all comments received on the project. A copy of the minutes must be submitted as part of the final Facilities Plan.

### **NOTICE OF PUBLIC HEARING** for the **WASTEWATER PROJECT**

The {city, town, district} is proposing to {briefly describe project}. The {city, town, district} proposes to borrow up to \$XXX,XXX of Clean Water State Revolving Funds at \_\_\_\_% for \_\_\_\_ years. The purpose of the public hearing is to discuss the project, the proposed financing, and the source of repayment for the loan. The public is invited to attend and comment on the project.

The public hearing will be held at {location} on {date} at {time}



## **5.11 THE FACILITIES PLAN**

### 5.11.1 Minimum Information Expected in Facilities Plans

The following summarizes the minimum information expected in a facilities plan. The information is provided in two sections. The first section is information required in **all** facilities plans. The second section provides more detail based on the project type.

#### INFORMATION REQUIRED FOR ALL FACILITIES PLANS

##### Project Development

- Discussion of existing conditions and need for proposed project;
- Discussion of compliance issues; and
- Map showing project area in relation to the community.

##### Environmental Considerations

- Narrative discussion of any direct environmental impacts;
- Cultural resources review:
  - Completed Cultural Resources Effects Assessment Summary form;
  - Archaeological survey for any project, or a portion of a project, where construction will occur in an undisturbed area, which includes pasture and tilled crop land;
  - Database search of Historic Register if an archaeological survey was not required or if the report does not identify the presence or absence of historic properties within the project area. The database search is available at [www.nr.nps.gov](http://www.nr.nps.gov);
- Request for comments to the review agencies and responses from each; and
- Approved mitigation plans for addressing any adverse affects identified by the review agencies.

##### Alternative Development and Selection

- A narrative discussion of appropriate alternatives to include the no action alternative;
- Unit cost breakdowns and present worth or uniform annual cost evaluations for each feasible alternative;
- Narrative discussion justifying the alternative selected;
- Proposed financing of selected alternative and the impact to user fees;
- Discussion of further activities or requirements needed for project development, *i.e., conditional use permits, soil borings or groundwater investigations, new or revised Surface Water Discharge Permits, Corps of Engineers 404 permit, and land/easement acquisition*; and
- Schedule identifying project milestones.

## Public Participation

- Proof of public hearing advertisement (affidavit preferred; newspaper copy acceptable);
- Minutes of the public hearing; and
- Narrative discussion of steps taken to resolve issues identified in the public hearing

## INFORMATION REQUIRED BASED ON PROJECT TYPE

### Rehabilitation of Existing Wastewater Collection or Storm Water Systems

- A narrative description of the system to include age, present condition, problems occurring within the system, and known infiltration/inflow (I/I);
- A map or maps of the project area that shows the following:
  - Existing and proposed pipe type and size;
  - Any historic properties identified within the project area; and
  - Floodplains if the project involves a lift station;
- Alternatives to consider: no-action, trenchless technology, and open trench construction; and
- If I/I studies have been undertaken, the following items must be included:
  - A detailed explanation of the methods used to determine the locations and extent of I/I; and
  - A summary of the findings to include specific areas discovered to have I/I and the extent of I/I in each area.

### New Wastewater Collection Lines or Interceptor or Storm Sewers

- Discussion of the ability of the existing wastewater infrastructure (treatment facilities, lift stations, and downstream mains) to accommodate the new flows;
- A map or maps of the project area that show the following:
  - Proposed project route;
  - Wetlands;
  - Any historic properties identified within the project area; and
  - Floodplains;
- Discussion of the ability of the existing infrastructure to accommodate the new flows;
- Discussion of the indirect and cumulative impacts that will result from the project, with emphasis on wetlands, historic properties, endangered species habitat, and floodplain development within the area of impact, and mitigation efforts to address any identified impacts; and
- Alternatives to consider: no-action.

## Wastewater Treatment

- Narrative describing the existing facility and a map of its location;
- Evidence of consultation from the DENR Surface Water Quality program regarding potential stream reclassifications, change in permit conditions, or other items that may result in increased treatment requirements;
- All data, records, and technical information used for the basis of the design;
- Design calculations for each feasible alternative (this may be omitted for extensive mechanical treatment options);
- A map or maps for each alternative that show the following:
  - Wetlands;
  - Any historic properties identified within the project area;
  - Floodplains;
  - Airports;
  - All residences, commercial or business development, and water supplies within one-half mile of proposed lagoon, artificial wetland, or land application systems; and
  - Projects involving effluent irrigation or land application of bio-solids will require additional siting information.
- Supplemental information regarding the construction features and static water levels for each well located within one-fourth mile of proposed lagoon or artificial wetland, or land application systems and information regarding water use for each well located within 1,000 feet of proposed lagoon or artificial wetland, or land application systems;
- Alternatives to consider: no-action, collection rehabilitation where excessive I/I is identified, and various treatment technologies to include total retention and discharging lagoons systems, artificial wetlands, and mechanical treatment, where appropriate.

### **5.11.2 Review Agencies for State Revolving Fund Projects**

The following agencies must be given the opportunity to comment on the project. It is the responsibility of the project sponsor or its consultant to supply these agencies with a brief project description and map of the project area. The final facilities plan must include each agency's response.

United States Department of Interior  
Fish and Wildlife Service  
420 S. Garfield Avenue  
Pierre, SD 57501-5408  
Attn: Donald Gober, Field Supervisor

South Dakota Dept. of Game, Fish and Parks  
Division of Wildlife  
523 E. Capitol Avenue  
Pierre, SD 57501-3181  
Attn: John Kirk, Interagency Coordinator

United States Department of Agriculture  
Natural Resources Conservation Service  
200 Fourth Street SW  
Huron, SD 57350-2475  
Attn: Jerry Schaar

U.S. Army Corps of Engineers, Omaha District  
Planning Division  
Attention: CENWO-PM-AE  
1616 Capitol Avenue  
Omaha, NE 68102-4901



### 5.11.3 CULTURAL RESOURCES EFFECTS ASSESSMENT SUMMARY

Applicant \_\_\_\_\_ Project Contact \_\_\_\_\_  
Address \_\_\_\_\_ Telephone Number \_\_\_\_\_

Legal Location of Project \_\_\_\_\_  
City \_\_\_\_\_ County \_\_\_\_\_ Project No. \_\_\_\_\_

Project Description \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For projects that involve new construction on vacant land please include information as to what previously occupied the site and whether that site has any known historic or archaeological significance.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please describe below or attach information supporting the determination of effect.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**A map showing the project location is required.** Drawings or photographs may also be helpful.

Please indicate the effect the project will have on cultural resources based on the review performed:

\_\_\_\_\_ No Historic Properties Affected: There are no historic properties present or the undertaking will not affect any properties eligible for or listed in the National Register of Historic Preservation.

\_\_\_\_\_ No Adverse Effect: This property is listed in or eligible for the National Register of Historic Places. This project will have no adverse effect upon the historic significance of the property because the proposed undertaking meets the Secretary of the Interior's Standards for the Treatment of Historic Properties.

\_\_\_\_\_ Adverse Effect: This property is listed in or eligible for eligible for the National Register of Historic Places. This project will have an adverse effect upon the historic significance of the property. (Attach proposed mitigation measures that may minimize the adverse effect.)

Prepared by: \_\_\_\_\_ Date \_\_\_\_\_

<b>DETERMINATION OF EFFECTS</b>
---------------------------------

I have reviewed the project description and the information provided concerning historical and cultural effects of this project. Based on that review, the Department of Environment and Natural Resources concurs with the applicant's determination of the effects that the construction of this project will have on historical or cultural resources. Additionally, if historical or cultural resources are discovered during project construction, the contractor is required to cease construction and notify the State Historical Preservation Officer.

Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
SD Department of Environment and Natural Resources